SALK1520-2 (088802-8752)
09/042,488

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Evans et al.	Group Art Unit: 1633
Application No.: 09/042,488	Examiner: S. Kaushal
Filing Date: March 16, 1998	Applicant's Representative: Stephen E. Reiter
For: METHOD FOR MODULATING EXPRESSION OF EXOGENOUS GENES IN MAMMALIAN SYSTEMS, AND PRODUCTS RELATED THERETO	

Agenda for Telephone Interview on March 18, 2003

Discuss rejections under 35 USC § 112, first paragraph, in Office Action mailed 02/11/2003

I. Possession of the claimed invention

- discuss grouping of claims and claim components in comparison to allowed claim 71

- discuss how the specification describes all features required by the present claims
  - in particular: (i) similarity of components of claims 50 and 67-70 to claim 71
    (ii) similarity of components of claims 1 and 22-24 to claim 71

II. Enablement

- discuss support for all of the required elements of the claims as identified above
- discuss disclosure being commensurate with the scope of the claims
- discuss ease of substitution of specifically defined response element in place of ecdysone response element for one of skill in the art
- discuss potential cancellation of claims 72-77

SALK1520-2 (088802-8752)
09/042,488

CLAIM SUMMARY FOR SALK1520-2

Methods of gene regulation in isolated cells (Claims 1, 3-9, 11-13, 15-24, 39, 40, 47-55, 57-69, 70, and 71)

Claims **1**, 3-9, 11-13, 15-21, 39, 40, 47-49, **50**-55, 57-66, **70**, and **71** (independent in bold)
– methods for modulating the expression of an exogenous gene in an isolated cell

Claims **22**, **23**, **67**, and **68**
– methods of inducing the expression of an exogenous gene in an isolated cell

Claims **24** and **69**
– methods for the expression of a recombinant product detrimental to isolated host cells

Methods of gene regulation in a mammalian subject (Claims 72-77)

Claims **72** and **75**
– methods for modulating the expression of an exogenous gene in a mammalian subject

Claims **73**, **74**, **76** and **77**
– methods of inducing the expression of an exogenous gene in a mammalian subject

Comparison of allowed claim 71 to other independent claims using isolated cells

Claim	exogenous gene components	relationship	modified receptor components
71 allowed	gene under the control of an ecdysone response element	modified ecdysone receptor binds to ecdysone response element in the presence of a ligand (optional silent partner) modified receptor has an altered binding specificity as compared to wildtype receptor	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
50	gene under the control of an ecdysone response element	modified receptor binds to ecdysone response element in the presence of a ligand (optional silent partner) modified receptor does not bind to endogenous response elements	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
67	gene under the control of an ecdysone response element	modified ecdysone receptor binds to ecdysone response element in the presence of a ligand (optional silent partner) modified receptor does not bind to endogenous response elements	receptor under control of an inducible promoter LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
68	gene under the control of an ecdysone response element	modified ecdysone receptor binds to ecdysone response element in the presence of a ligand (optional silent partner) modified receptor does not bind to endogenous response elements	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
69	gene under the control of an ecdysone response element	modified receptor does not bind to endogenous response elements	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
70	gene under the control of an ecdysone response element	modified ecdysone receptor binds to ecdysone response element in the presence of a ligand (optional silent partner) modified receptor has substantially no constitutive activity	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor

1	gene under control of a specifically defined response element	modified ecdysone receptor binds to ecdysone response element in the presence of a ligand (optional silent partner)	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
22	gene under control of a specifically defined response element	modified ecdysone receptor binds to defined response element in the presence of a ligand (optional silent partner)	receptor under control of an inducible promoter LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
23	gene under control of a specifically defined response element	modified ecdysone receptor binds to defined response element in the presence of a ligand (optional silent partner)	LBD for ecdysteroid DBD from DNA-binding protein activation domain of a transcription factor
24	gene under control of a specifically defined response element		LBD for ecdysteroid DBD from DNA-binding protein. activation domain of a transcription factor

FOLEY : LARDNER
ATTORNEYS AT LAW
11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEYLARDNER.COM

FACSIMILE TRANSMISSION

Total # of Pages: 5 (including this page)

TO:	PHONE #:	FAX #:
Examiner Sumesh Kaushal - Art Unit 1636 U.S. Patent and Trademark Office	(703) 305-6838	(703) 746-3124 (desktop fax)

From :	Stephen E. Reiter
Sender's Direct Dial :	858.847.6711
Date :	March 17, 2003
Client/Matter No :	088802-8752
User ID No :	1877

MESSAGE:

UNOFFICIAL

Re: Application Serial No. 09/042,488

Following are:

Agenda for Telephone Interview on March 18, 2003 (4 pgs.).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To:
		Joy Day